

### **REMARKS**

Claims 1-2, 4-27, 29-42, and 44-55 are pending, with claims 1, 26, 41, and 54-55 being independent. Claims 3, 28, and 43 have been cancelled. Claims 1-2, 16, 26-27, and 29-41 have been amended. Claims 54-55 have been added. No new matter has been added.

### **Objection to Title**

The Office Action objected to Title of the Invention. Applicants have amended the title and, in view of the amendment, request reconsideration and withdrawal of the title objection.

### **35 U.S.C. § 101 Rejection**

Claims 1-53 stand rejected under 35 U.S.C. § 101 as encompassing non-statutory matter. Independent claims 1, 26, and 41 have been amended to obviate the § 101 rejection. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 1-53.

### **35 U.S.C. § 102 Rejection**

Claims 1-53 stand rejected under 35 U.S.C. § 102(e) over Boss et al. (U.S. Pat. Pub. No. 2004/0154022). Independent claims 1, 26, and 41 have been amended to obviate the rejection.

As amended, claim 1 recites, among other features, “a degree of separation component configured to determine a degree of separation between the intended recipient and the message source, wherein the degree of separation indicates a number of intermediary relationships linking the intended recipient and the message source,” and “a screening component configured to identify, from among the received instant messages, qualifying instant messages that satisfy a capture rule, wherein the capture rule indicates that an instant message qualifies for capture if the degree of separation between the intended recipient and the message source exceeds a pre-determined threshold.” (emphasis added).

Boss fails to describe or suggest at least the above features. Boss describes an instant messaging system where a user may activate specific contexts that control how they receive instant messages during certain times of a day. [0044]. For example, the system of Boss

evaluates the schedule in the user's online calendar and can restrict instant messaging to the user during the meeting time to only those people who were invited to the meeting [0045].

However, the system of Boss does not "determine a degree of separation between the intended recipient and the message source, wherein the degree of separation indicates a number of intermediary relationships linking the intended recipient and the message source," as recited in claim 1. Allowing instant messaging only between meeting participants does not involve determination of the degree of separation between the meeting participants, where the degree of separation indicates the number of intermediary relationships linking the two entities. Furthermore, Boss does not rely on the degree of separation to determine whether to capture instant messages "if the degree of separation between the intended recipient and the message source exceeds a pre-determined threshold," as recited in claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of independent claim 1 and its respective dependent claims.

Independent claims 26 and 41 similarly describe determining a degree of separation between the intended recipient and the message source, wherein the degree of separations indicates a number of intermediary relationships linking the intended recipient and the message source, as well as the capture rule that indicates that an instant message qualifies for capture if the degree of separation between the intended recipient and the message source exceeds a pre-determined threshold. Applicants thus respectfully request reconsideration and withdrawal of the § 102 rejection of independent claims 26 and 41 and their respective dependent claims for the same reasons as explained with respect to claim 1.

New claims 54 and 55 are also believed to be allowable over Boss.

As for claim 54, Boss does not disclose screening component configured to "identify, from among the received instant messages while the intended recipient is logged into the instant messaging system, qualifying instant messages that satisfy a capture rule, wherein the capture rule indicates that an instant message qualifies for capture based on an online status of the intended recipient." Instead, Boss discloses capturing messages based on whether the message

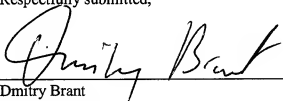
context itself is enabled (see e.g., Fig. 4), but the message context does not change based on the online status of the user (e.g., away, busy, etc.).

As for claim 55, Applicants believe it is be also allowable over Boss. The system of Boss uses contexts to determine whether messages need to be delivered to the user (see e.g., Fig. 8), but does not disclose “presenting the user with a captured message interface that enables the user to view a list of all captured instant messages” and to “select one instant message from the list of captured instant messages and respond to the selected captured instant message in a new instant messaging window.” (emphasis added).

All claims are believed to be in condition for allowance. The fee in the amount of \$420 in payment of the additional Independent Claim Fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account NO. 06-1050. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/24/08

  
Dmitry Brant  
Reg. No. 59,133

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (877) 769-7945